

030904

21861  
U.S. PTO

PTO/SB/05 (01-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	421/60/18/2/2
First Inventor	Christine C. Dykstra
Title	See 1 in Addendum
Express Mail Label No.	EV372404966US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 64]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 1]
5. Oath or Declaration [Total Sheets 7]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ Paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Copy of Request for Extension of Time filed in parent application

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/044,315

Prior application information: Examiner Stockton, Laura Art Unit: 1626  
For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 25297 OR ☐ Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Arles A. Taylor, Jr.	Registration No. (Attorney/Agent)	39,395
Signature	<u>Arles A. Taylor, Jr.</u>	Date	<u>03-09-2004</u>

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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17510 U.S. PTO  
10/796657  
030904

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PTO/SB/17 (08-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 3,178.00

## Complete if Known

Application Number  
Filing Date  
First Named Inventor Christine C. Dykstra  
Examiner Name Stockton, Laura  
Art Unit 1626  
Attorney Docket No. 421/60/18/2/2

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0426

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	770.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 770.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 106 -20\*\* = 86 x 18 = 1548  
Independent Claims 13 - 3\*\* = 10 x 86 = 860  
Multiple Dependent ☐ = ☐

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	2,408.00
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ ) 2,408.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

## SUBMITTED BY

Name (Print/Type) Arles A. Taylor, Jr. Registration No. 39,395 Telephone 919-493-8000  
Signature Date March 9, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Auto-Reply Facsimile Transmission



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Total Pages: 5 (including cover page)

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Received  
Cover  
Page

=====>

Mar 9, 2004 12:59PM JENKINS & TAYLOR

PG. 531

### JENKINS, WILSON & TAYLOR, P.A.

#### PATENT ATTORNEYS

SUITE 1400 UNIVERSITY TOWER  
3100 TOWER BOULEVARD  
DURHAM, NORTH CAROLINA 27707  
TELEPHONE: (919) 493-8000  
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSWILSONTAYLOR.COM

DATE: March 9, 2004

TO: Art Group Unit 1600 (for Group 1626)

FAX NO.: (703) 872-9306

FROM: Arles A. Taylor, Jr. (ptw)

RE: Serial No. 10/044,315; Atty Docket No. 421/60/18/2

NUMBER OF PAGES TO FOLLOW: 4

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#### COMMENTS:

Attachment: Transmittal Letter (1 page); and  
Request for Extension of Time (2 pages).

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\* \* \* COMMUNICATION RESULT REPORT ( MAR. 9. 2004 1:00PM ) \* \* \*

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TRANSMITTED/STORED : MAR. 9. 2004 12:59PM  
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5/5

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3100 TOWER BOULEVARD  
DURHAM, NORTH CAROLINA 27707  
TELEPHONE: (919) 493-8000  
FACSIMILE: (919) 419-0383

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# JENKINS, WILSON & TAYLOR, P.A.

## PATENT ATTORNEYS

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3100 TOWER BOULEVARD  
DURHAM, NORTH CAROLINA 27707  
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JENKINS  
WILSON  
& TAYLOR

patent attorneys

March 9, 2004

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

E. ERIC MILLS

BENTLEY J. OLIVE

MICHAEL J. CROWLEY

\*CHRIS PERKINS, PH.D.

\*\*JAMES DALY IV, PH.D.

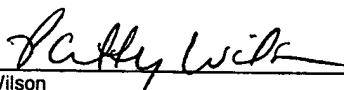
JEFFREY CHILDERS, PH.D.

OF COUNSEL  
SOROJINI BISWAS

\*LICENSED ONLY IN CA

\*\*LICENSED ONLY IN KY

I hereby certify that this paper is being facsimile transmitted to the  
United States Patent and Trademark Office on the date shown below.

  
Patty Wilson  
Date of Signature March 9, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/044,315 for  
COMPOUNDS, METHODS AND COMPOSITIONS USEFUL  
FOR THE TREATMENT OF BOVINE VIRAL DIARRHEA  
VIRUS (BVDV) INFECTION AND HEPATITIS C VIRUS (HCV)  
INFECTION  
Our Ref. No. 421/60/18/2

Sir:

Please find enclosed the following:

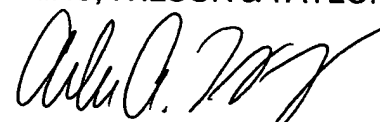
1. Request for a Three-Month Extension of Time (2 pages).

Please contact our offices if there are any questions.

The Commissioner is hereby authorized to charge any fees associated with  
the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

  
Arles A. Taylor, Jr.  
Registration No. 39,395

AAT/ptw  
Enclosures  
Customer No: 25297

## Addendum

### Attachment 1

COMPOUNDS, METHODS AND COMPOSITIONS USEFUL FOR THE TREATMENT  
OF BOVINE VIRAL DIARRHEA VIRUS (BVDV) INFECTION AND HEPATITIS C  
VIRUS (HCV) INFECTION

JENKINS  
WILSON  
& TAYLOR

patent attorneys

March 9, 2004

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

E. ERIC MILLS

BENTLEY J. OLIVE

MICHAEL J. CROWLEY

\*CHRIS PERKINS, PH.D.

\*\*JAMES DALY IV, PH.D.

JEFFREY CHILDERS, PH.D.

OF COUNSEL  
SOROJINI BISWAS

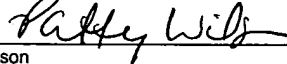
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Patty Wilson

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application for  
COMPOUNDS, METHODS AND COMPOSITIONS USEFUL  
FOR THE TREATMENT OF BOVINE VIRAL DIARRHEA  
VIRUS (BVDV) INFECTION AND HEPATITIS C VIRUS (HCV)  
INFECTION  
Our Ref. No. 421/60/18/2/2 DIV

Sir:

Please find enclosed the following:

1. Utility Patent Application Transmittal Form (2 pages);
2. Fee Transmittal Form (1 page) in duplicate;
3. A U.S. patent application (64 pages);
4. One (1) sheet of drawings;
5. Sequence Listing in paper (2 pages) and computer readable form (CRF);
6. Statement That Sequence Listing and Computer Readable Copy are the Same (1 page);
7. Preliminary Amendment (3 pages);
8. Copy of executed Declaration from parent application (7 pages);

tel 919.493.8000  
fax 919.419.0383

Jenkins, Wilson & Taylor, P.A.  
JenkinsWilsonTaylor.com

University Tower, Suite 1400 | 3100 Tower Boulevard | Durham, North Carolina 27707



Commissioner for Patents  
March 9, 2004  
Page 2

9. Copy of Request for Extension of Time filed in parent application 10/044,315 (2 pages);
10. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark Office date stamp thereon; and
11. A Certificate of Express Mail No.: EV372404966US.

Please contact our offices if there are any questions.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.



Arles A. Taylor, Jr.  
Registration No. 39,395

AAT/ptw

Enclosures

Customer No: 25297